

### **REMARKS**

In the outstanding Office Action, claims 79 and 86 are rejected under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph; claims 71-89 were rejected under 35 U.S.C. Section 103(a) as unpatentable over U.S. Patent No. 5,794,207 (Walker et al.) in view of Official Notice. Reconsideration is respectfully requested.

#### ***35 U.S.C. § 112 Claim Rejections***

Claims 79 and 86 are rejected under 35 U.S.C. Section 112, 2<sup>nd</sup> paragraph. Claim 79 has been amended to overcome the rejection.

#### ***35 U.S.C. § 103 Claim Rejections***

Claims 71-89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. in view of Official Notice. Reconsideration is respectfully requested.

Claims 71, 75 - 77 and 79 - 82 have been amended to clarify the invention. In particular, independent claims 71 and 80 has been amended to recite:

first dealing processing means for executing a first sale by pre-engagement, when said buying information received from said buyer's terminal devices and stored in said storage means is transmitted to said seller's terminal devices and subscription information for said transmitted buying information is received from said seller's terminal devices when plural pieces of subscription information from said seller's terminal devices for said buying information which is received from said buyer's terminal devices and stored in said storage means and transmitted to said seller's terminal devices are received and one among the received plural pieces of subscription information is selected by said buyer's terminal devices, based on said buying information and said selected one piece of subscription information;

second dealing processing means for executing a second sale by pre-engagement, when said selling information received from said seller's terminal devices and stored in said storage means is transmitted to said buyer's terminal devices, and buying

registration information for said transmitted selling information is received from said buyer's terminal devices when plural pieces of buying registration information from said buyer's terminal devices for said selling information which is received from said seller's terminal devices and stored in said storage means and transmitted to said buyer's terminal devices are received and one among the received plural pieces of buying registration information is selected by said seller's terminal devices, based on said selling information and said selected one piece of buying registration information.

Claims 77, 79, 80 and 81 have been similarly amended in a similar manner with respect to the buyer and seller "terminal devices." Support for the amendment is provided by the original specification, figures and claims. In particular, we have amended claim 71 to clarify that first dealing processing means executes a sale based on the one among plural pieces of subscription information from plural sellers, which is selected by the buyer. We have also clarified the second dealing processing means.

Walker et al. discloses a method and apparatus for effectuating bilateral buyer-driven commerce that allows prospective buyers of goods and services to communicate a binding purchase offer globally to potential sellers, for sellers conveniently to search for relevant buyer purchase offers, and for sellers potentially to bind a buyer to a contract based on the buyer's purchase offer.<sup>1</sup> In particular, as shown in **FIG. 2** below, Walker et al. discloses a central controller **200** that includes central processor (CPU) **205**, cryptographic processor **210**, RAM **215**, ROM **220**, payment processor **230**, clock **235**, operating system **240**, network interface **245**, and data storage device **250**.

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<sup>1</sup> Walker et al. at ABSTRACT.

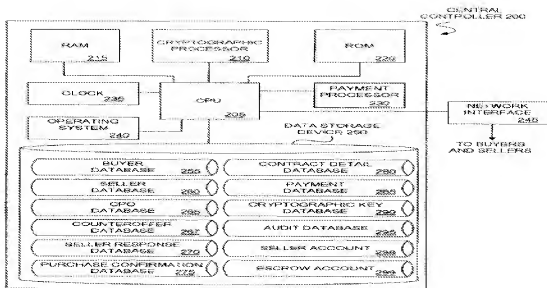


FIG. 2

However, Walker et al. nowhere discloses as amended claims 71 recite:

when plural pieces of buying registration information from said buyer's terminal devices for said selling information which is received from said seller's terminal devices and stored in said storage means and transmitted to said buyer's terminal devices are received and *one among the received plural pieces of buying registration information is selected by said seller's terminal devices*, based on said selling information and said selected one piece of buying registration information (emphasis added).

That is, as discussed above and as emphasized in the Abstract, Walker et al. discloses a *buyer-driven system*. In contrast, to Walker et al., the claimed invention is also a "seller driven system" in that the claimed invention recites: "*one among the received plural pieces of buying registration information is selected by said seller's terminal devices*, based on said selling information and said selected one piece of buying registration information," as recited in claim 71 and with similar references to being "selected by said seller's terminal devices in claims 77, 80 and 82.

In addition, the three dealing processing means are described as the first, second and third dealing processing means for practical convenience sake. However, these three dealing processing are not necessarily in that order and they can be executed independently as discussed below.

The outstanding Office Action contends that Walker discloses the three deal processing means. For example the first being where the seller accepts the buyers CPO, the second when the buyer accepts the seller's counter offer and the third scenario when the buyer and seller are able to reach an agreement when buying conditions of the buyers information agrees with seller information stored.

We have amended claim 71 to distinguish Walker from the present invention.

In the first dealing processing means recited in claim 71, plural sellers provide plural pieces of subscription information for a piece of buying information from a buyer, and the buyer selects one among the plural pieces of subscription information, then a sale is concluded based on the buying information and the selected one piece of subscription information.

In the second dealing processing means, plural buyers provide plural pieces of buying registration information for a piece of selling information from a seller, and the seller selects one among the plural pieces of buying registration information, then a sale is concluded based on the selling information and the selected one piece of buying registration information.

In the third dealing processing means, plural pieces of buying information are provided by buyers and plural pieces of selling information are provided by sellers, and a sale is concluded when buying condition of buying information and selling condition of selling information agree with each other. In each of the respective these three dealing processing means, a sale is concluded independently.

Comparing Walker with the present invention, Walker discloses the first dealing processing means where a sale is concluded soon after the seller accepts the buyers CPO. On the other hand, the first dealing processing means of the present invention does not execute the processing such that a sale is concluded soon after a seller accepts buyer's information.

Walker discloses the second dealing processing means where the seller provides the counter offer (another condition) for the buyers CPO. On the other hand, in the second dealing processing means of the present invention, the seller provides the selling information for goods which the seller want to sell regardless of buying information, and plural buyers reply to the (single) selling information. But in Walker, it is one to one relation between the seller and the buyer.

More specifically, the present invention ha the features of: the first dealing processing means for executing a sale according to buyer side, in which the buyer selects one among the plural pieces of selling information for good which the buyer want to buy, and the second dealing processing means for executing a sale according to seller side, in which the seller selects one among the plural pieces of buying information for good which the seller want to sell.

Thus, it is respectfully submitted that Walker fails to disclose the above features of the present invention.

Furthermore, with respect to claims 75, 76 and 81, as discussed above, Walker et al. nowhere discloses as claim 75 recites:

first clustering means for clustering pieces of selling  
information according to goods attributes included in said selling  
information,

second clustering means for clustering pieces of buying  
information according to goods attributes included in said buying  
information

That is, Walker et al. does not disclose “clustering of pieces” of either “selling” or “buying” information “according to goods attributes.”

In addition, the outstanding Office Action acknowledges deficiencies in Walker et al. and repeatedly attempts to overcome these deficiencies by combining Walker et al. with taking Official Notice. However, it is respectfully submitted that Official Notice nowhere discloses as amended claims 71 recite:

when plural pieces of buying registration information from  
said buyer's terminal devices for said selling information which is  
received from said seller's terminal devices and stored in said  
storage means and transmitted to said buyer's terminal devices are  
received and *one among the received plural pieces of buying  
registration information is selected by said seller's terminal  
devices*, based on said selling information and said selected one  
piece of buying registration information (emphasis added).

That is, the Office Action indicates that it is general knowledge to calculate total cost including distribution costs. However, this fails to consider information on distribution costs between two points in accordance with a quantity of shipment stored in the second storage means. It is general art to show shipping cost when a goods is purchased, but it cannot be said that it is also general to perform information processing considering that distribution costs differ in accordance with a quantity of shipment. The Examiner does not refer to this difference. We do not think it is obvious to calculate the total cost including distribution costs in accordance with a quantity of shipment. Therefore, it is respectfully submitted that neither Walker et al. nor Official Notice disclose, suggest or make obvious the claimed invention and that the claims patentably distinguish thereover.

### ***Conclusion***

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes a fee is due with this response which includes a Petition for a three-month Extension of Time. Please charge our Deposit Account No. 22-0185, under Order No. 21776-00050-US from which the undersigned is authorized to draw.

Dated: April 29, 2009

Respectfully submitted,

Electronic signature: /Myron Keith Wyche/  
Myron Keith Wyche  
Registration No.: 47,341  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111  
(202) 293-6229 (Fax)  
Agent for Applicant

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